IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No.576 of 2006

Dashrath ganpat Parker .. Appellant

versus

Municipal Corporation of Gr.Mumbai

and others .. Respondents

...

Mr.Sachin Masurkar for the appellant.

Mrs.Geeta Jogalekar for respondent no.1.

Mr.H.R.Pawar for respondent no.2.

CORAM : D.G. KARNIK, J

DATED : 18th August 2006.

P.C.:

1. Learned counsel for the respondent no.2 says that the appeal has become infructuous. He submits that the original suit bearing L.C. Suit no.2279 of 2004 has been dismissed on 16th August 2006. He tenders an affidavit of the respondent no.2 to that effect. Learned counsel for the applicant admits that

the suit has been dismissed on 16th August 2004. In view of the dismissal of the suit, the appeal against an interlocutory oorder has become infructuous.

2. Appeal is therefore dismissed.

(D.G. KARNIK, J)